



On approval of the form of agreement on the provision of state-guaranteed legal assistance

Unofficial translation

Order of the Minister of Justice of the Republic of Kazakhstan dated September 27, 2018 No. 1453. Registered with the Ministry of Justice of the Republic of Kazakhstan on October 9, 2018 No. 17515.

Unofficial translation

In accordance with paragraph 5 of Article 28 of the Law of the Republic of Kazakhstan dated July 5, 2018 "On Advocacy and Legal Assistance" **I HEREBY ORDER:**

1. That the attached form of the agreement on the provision of state-guaranteed legal assistance shall be approved.

2. Order of the Minister of Justice of the Republic of Kazakhstan No. 273 of August 15, 2013 "On Approval of the Form of an Agreement on the Provision of State-Guaranteed Legal Assistance" (registered in the Register of State Registration of Regulatory Legal Acts under No. 8632, published on November 2, 2013 in the "Kazakhstanskaya Pravda" newspaper).

3. In accordance with the procedure established by legislation, the Department for Registration Service and the Organization of Legal Services of the Ministry of Justice of the Republic of Kazakhstan, shall ensure:

1) state registration of this Order;

2) within ten calendar days from the date of state registration of this Order, sending the copy hereof both in Kazakh and Russian languages to the Republican State Enterprise on the Right of Economic Management "Republican Center of Legal Information" for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) the placement of this Order on the Internet resource of the Ministry of Justice of the Republic of Kazakhstan after its official publication.

4. Control over the implementation of this Order shall be entrusted to the supervising Deputy Minister of Justice of the Republic of Kazakhstan.

5. This Order shall become effective after ten calendar days after the day of its first official publication.

Minister

M. Beketayev

Approved

by Order of the Minister of Justice
of the Republic of Kazakhstan

No. 1453 of September 27, 2018,

Document form

Agreement on the provision of state-guaranteed legal assistance

Footnote. The form as amended by the Order of the Minister of Justice of the Republic of Kazakhstan dated 10.02.2021 № 106 (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 01.09.2022 No. 744 (effective after ten calendar days after the date of its first official publication).

_____ " _____ " _____ 20____ place of conclusion

Justice Department _____
(name of the Department of Justice)
represented by _____

—
(surname, name, patronymic (if available) of the Head of the Justice Department or a person authorized to sign this agreement) acting in the interests of citizens, eligible for State-guaranteed legal assistance at the expense of budget funds hereinafter referred to as the "Administrator", as the party of the first part, guided by paragraph 5 of Article 28 of the Law of the Republic of Kazakhstan of July 5, 2018 "On Advocacy and Legal Assistance "(hereinafter referred to as the Law) and the lawyer

—
(surname, name, patronymic (if any))

—
(form of organization of advocacy)
having license # _____ to practice law _____

—
(license number and date of issue)
_____ member of the Bar _____

—
(name of bar)
_____ is included in the List of lawyers participating in the system of rendering guaranteed State legal assistance, approved by the Presidium of the Bar,

We refer to _____ as "Lawyer", as the party of the first part, that have entered into this Agreement as follows:

1. A lawyer shall provide state-guaranteed legal assistance in the form of legal advice:
 - 1) to individuals on the issues of collecting alimony, assigning pensions and benefits, rehabilitation, obtaining refugee or candas status, minors left without parental care;

2) to the victims of sexual violence, human trafficking, an act of terrorism or subjected to torture on the issues of ensuring and protecting their rights and legitimate interests associated with this status or situation;

3) to individuals on the issues of compensation for harm caused by the death of a breadwinner;

4) to individuals on the issues of compensation for harm caused by damage to health associated with work, or caused by a criminal offense;

5) to individuals who are participants of the Great Patriotic War, persons equated in benefits to the participants of the Great Patriotic War, as well as veterans of military operations on the territory of other states, military servicemen, persons with disabilities of the first and second groups, pensioners by age, on the issues not related to entrepreneurial activity ;

6) to large families on the issues not related to entrepreneurial activities;

7) to low-income persons (families) with average per capita income per month below the poverty line established in regions, cities of republican significance, the capital, on the issues not related to entrepreneurial activity.

1-1. The lawyer shall provide state-guaranteed legal assistance in the form of protection and representation of interests of individuals in courts, criminal prosecution bodies, state bodies and non-state organizations:

1) to a person brought to administrative responsibility in accordance with the legislation of the Republic of Kazakhstan on administrative offenses;

2) to the plaintiff or the defendant in accordance with the civil procedural legislation of the Republic of Kazakhstan and to the plaintiff in accordance with the legislation of the Republic of Kazakhstan on administrative proceedings;

3) to a suspect, accused, defendant, convicted, acquitted, victim in accordance with the criminal procedure legislation of the Republic of Kazakhstan.

2. To provide state-guaranteed legal assistance a Lawyer shall perform the following:

1) use the procedural powers provided for by the legislation of the Republic of Kazakhstan;

2) perform any actions that do not contradict the legislation of the Republic of Kazakhstan to establish the factual circumstances aimed at ensuring the rights, freedoms and legal interests of citizens;

3) be guided in his/her professional activities by the principles of the organization and activities of the legal profession.

3. Lawyer shall not be responsible for non-compliance with the terms of this Agreement caused by the failure of the citizens to present or conceal the information necessary for provision of full-fledged qualified legal assistance information, including documents, materials, other information, as well as for the consequences related to the presentation of citizens false information (including documented).

4. The lawyer shall refuse to render state-guaranteed legal

Assistance with one of the following conditions:

1) the applicant does not belong to the category of persons entitled to receive State-guaranteed legal assistance, as provided for by paragraph 2 of Article 26 of the Law;

2) the appeal of the applicant is not of a legal nature;

3) in cases of non-fulfillment by the applicant of the requirements established by paragraph 2 of Article 27 of the Law;

4) the applicant has already received legal assistance on the same issue.

5. The administrator shall transfer the budget funds to the lawyer's bank account within the period established by the legislation of the Republic of Kazakhstan to be paid for the provided legal assistance and reimbursement of expenses related to the defense and representation

6. This agreement shall be formed in the Unified information system of legal aid, shall enter into force from the date of its signing by electronic digital signature of the Parties and shall be valid until the end of next year.